



California Fair Political Practices Commission

February 19, 1991

Robert J. Singer
Vice President
Meyer Real Estate Advisors, Inc.
222 South Harbor Boulevard, Suite 700
Anaheim, CA 92805

Re: Your Request for Informal Assistance
Our File No. I-90-740

Dear Mr. Singer:

This letter is in response to your request for advice regarding the duties and responsibilities of Meyer Real Estate Advisors, Inc. (MREA), Meyer Asset Management, Inc. (MAMI), and a number of their employees under the disclosure provisions of the Political Reform Act (the "Act").¹ You have requested information which is of a general nature. Accordingly, we are providing you with informal assistance pursuant to the provisions of Regulation 18329 (copy enclosed).²

QUESTION

Under the provisions of the Act, what are the filing and disclosure obligations of firms and individuals who manage public investments?

CONCLUSION

Commission staff is now in the process of drafting regulations to clarify the meaning of "public officials who manage public investments" as that term is used in Section 87200, as

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c).)

amended. Pending adoption of the regulations, MREA and MAMI employees should continue to file Commission Form 730 Statement of Economic Interests.

FACTS

Meyer Real Estate Advisors, Inc., is the real estate investment advisor to the Board of Retirement of Kern County Employees' Retirement Association. In that capacity, MREA is responsible for the acquisition, asset management and sale of investment properties in the portfolio of the Kern County Employees' Retirement Association which presently consists of fourteen properties valued at approximately \$75,500,000.

An affiliate, Meyer Asset Management, Inc. provides property management services from several regional and satellite offices.

To date, employees of MREA and MAMI who are involved in managing the portfolio of the Kern County Employees' Retirement Association have filed Commission Form 730 Statement of Economic Interests on an annual basis in compliance with the conflict-of-interest code of the Employees' Retirement Association. Patricia Randolph, deputy county counsel for Kern County, recently advised you that the nature of the services provided by MREA and MAMI may fall within the scope of recent amendments to Government Code Section 87200 which require that "public officials who manage public investments" file Commission Form 721 Statement of Economic Interests.

You are a vice president for MREA and have been authorized by MREA, MAMI, and certain of its employees to seek our assistance to determine the filing obligations of these employees under Section 87200, as amended.

ANALYSIS

Effective January 1, 1990, Section 87200 of the Government Code was amended to add city treasurers, county treasurers, and "other public officials who manage public investments" to the list of persons who must file Commission Form 721 Statement of Economic Interests. Any person who falls within one of these categories, or is a candidate for any of these offices which is elective, is now subject to the conflict-of-interest disclosure requirements of the Act.

Staff is in the process of adopting regulations to clarify the term "other public officials who manage public investments" as that term is used in Section 87200. Pending adoption of the regulations, staff is providing the following interim advice regarding the disclosure requirements of Section 87200:

-- Public officials who are city or county treasurers must file a Form 721 Statement of Economic Interests.

-- Persons who are "designated employees" in their agency's conflict-of-interest code may continue to file a Form 730 Statement of Economic Interests with their filing officer.

-- Persons who are assuming a designated position may file a Form 730 Statement of Economic Interests.

-- Persons who have determined that they manage public investments, but who are not designated in their agency's conflict-of-interest code, should file a Form 721 Statement of Economic Interests.


-- Persons not designated in an agency's conflict-of-interest code and who are uncertain about their status as public investment managers under Government Code Section 87200 may defer filing Statements of Economic Interests pending adoption of regulations clarifying the term "public officials who manage public investments."

Accordingly, MREA and MAMI employees should continue to file Commission Form 730 as required by the conflict-of-interest code of the Kern County Employees' Retirement Association.

Your name has been added to the list of interested persons who have requested information on the subject. You will be informed of any progress in the definition of the term "public officials who manage public investments." Should you have further questions regarding this matter, do not hesitate to call me at (916) 322-5901.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Blanca M. Breeze
Counsel, Legal Division

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Enclosures